IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Crl.Rev.Pet.No. 3719 of 2007()

CC.798/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PARAPPANANGADI

.....

REVN. PETITIONER: PETITIONER,4TH ACCUSED.

VALLIYANGAL HASSAN,
S/O.YAHOO,
NIRAMARATHUR AMOSM,DESOM,TIRUR TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3719 OF 2007

Dated this the 24th day of October, 2007

O R D E R

The revision petitioner, who is the 4th accused and the brother of the de facto complainant's husband in C.C.No.798/2003 on the file of JFCM-I, Parappanangadi, for an offence punishable under section 498A read with section 34 IPC, challenges the order dated 31.7.2007 passed by the Magistrate cancelling his bail bond and issuing notice to the sureties. He was admittedly absent on 31.7.2007 justifying the initiation of proceedings under section 446 Cr.P.C.. In case a final order is passed imposing the bond amount or any part thereof as penalty, that is an appealable order. Instead of waiting for the finalization of the proceedings, the petitioner has rushed to this court by filing this revision. This is a case which has been pending before the Magistrate from the year 2003 onwards and even the charge has not been framed so far. The petitioner cannot put forward his employment abroad as a ground to avoid his presence before the court. When the

case was posted to 31.7.2007 for framing charge, the petitioner was admittedly absent. Hence, I do not find any justification to intervene in the proceedings at this stage.

This revision is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

aks